

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

SCOTT S.,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00584

LELAND DUDEK,

Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

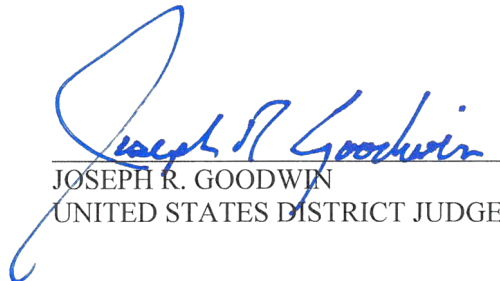
This action was referred to United States Magistrate Judge Omar Aboulhosn for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On March 6, 2025, Magistrate Judge Aboulhosn submitted his Proposed Findings & Recommendations [ECF No. 10] (“PF&R”) and recommended that the court grant Plaintiff’s request for remand, deny Defendant’s request to affirm the final decision, reverse the final decision of the Commissioner, and remand this matter back to the Acting Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** Plaintiff's request for remand, **DENIES** Defendant's request to affirm the final decision, **REVERSES** the final decision of the Commissioner, **REMANDS** this matter back to the Acting Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings, and **DISMISSES** this matter from the docket.

The court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented party.

ENTER: April 4, 2025



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE